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NO.

Supreme Court
JUL 11 1990

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 19

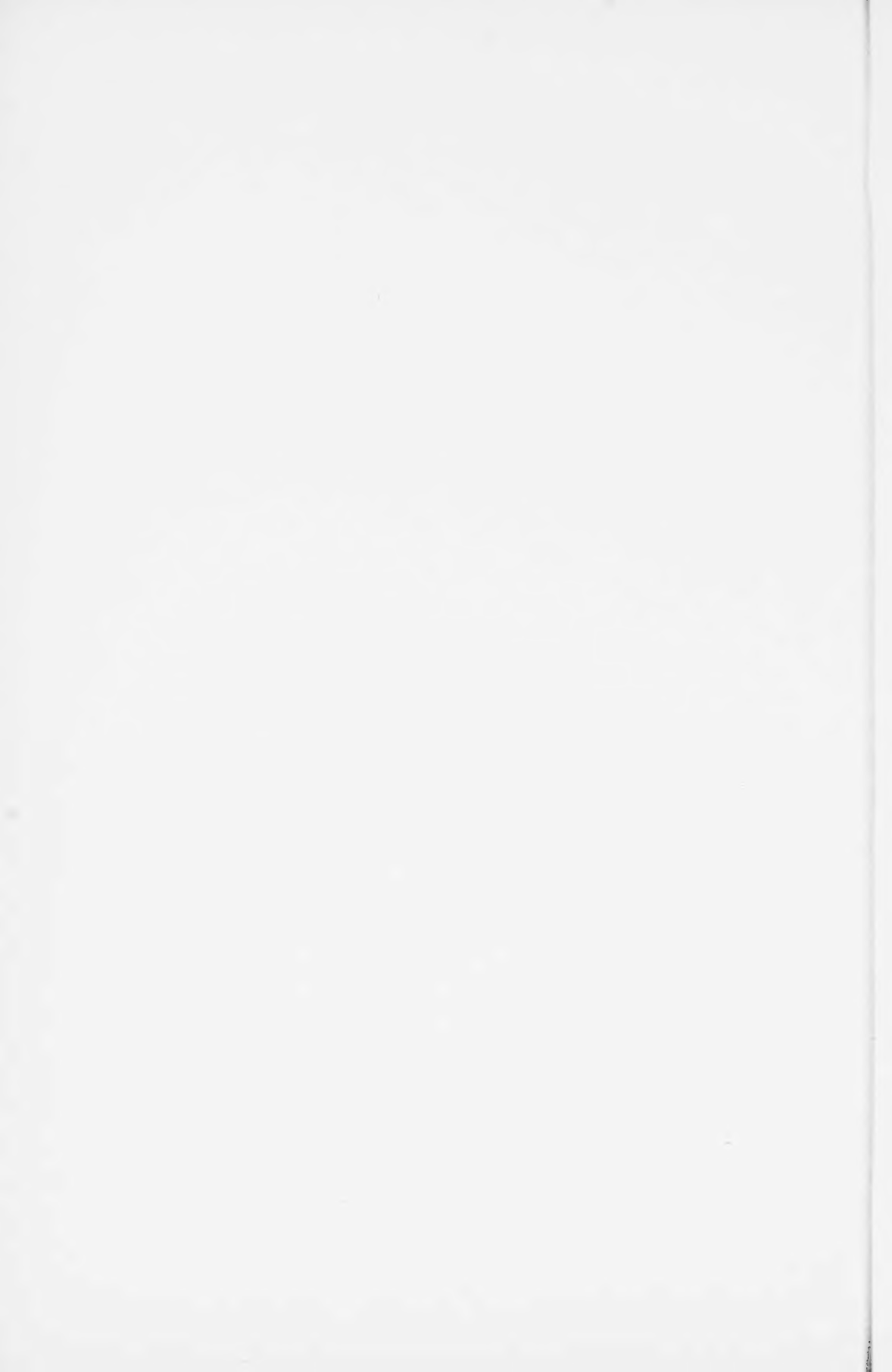
RE: EARLENE POLYAK

v

JIM HAMILTON, JUDGE
CHANCERY AND CIRCUIT
COURTS OF LAWRENCE
COUNTY

PETITION FOR WRIT OF CERTIORARI
FROM THE SUPREME COURT OF TENNESSEE

EARLENE POLYAK
4063 Hood Road
Palm Beach Gardens
Florida 33410
(407) 627-3564



QUESTIONS PRESENTED

1. Is the seizure, sale and transfer of constitutional possessed right and interest, use, and dispose, and without any compensation from the proceeds "taking" without due process and in violation of the Fifth and Fourteenth Amendments?

2. Is the United States Department of Agriculture Burley Tobacco poundage allotted to property a part of proceeds, and sale without Petitioner's signature in violation of Title 18 Section 1001 U.S. Criminal Code?

3. Should the Supreme Court of Tennessee force state officials to act in accordance with the Constitution, and provide relief in jury trial for damages?

4. Is state judge granted "absolute judicial immunity pursuant to 42 USC 1983?

5. Does the sale of property without any compensation in Tennessee conflict with ruling New York Court Appeals, Seawall v City of New York, November 27, 1989? (89-388)

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NO.

IN THE
SUPREME COURT OF THE UNITED STATES
October Term, 1990

RE: EARLENE POLYAK

EARLENE POLYAK

Petitioner

v

JIM HAMILTON, JUDGE
CHANCERY AND CIRCUIT
COURTS OF LAWRENCE
COUNTY

CASES:
CHANCERY 1974 FRANK HULEN
AND WILMA LESNANSKY V
EARLENE POLYAK

CIRCUIT NO. 10647 BUFORD
EVANS & SONS V
EARLENE POLYAK

PETITION FOR WRIT OF CERTIORARI
FROM THE SUPREME COURT OF TENNESSEE

Petitioner prays that a Writ of Certiorari issue from this Supreme Court to review the seizure of title, right and immunity in the possessed right and interest, use, and dispose of properties where the validity of statutes of the State of Tennessee is drawn in question on the ground of its being repugnant to the Constitution pursuant to 28 U.S.C. 1257(3)(a).

OPINIONS BELOW

The opinion of the Supreme Court of Tennessee is set forth in Appendix A. The opinion of the Court of Appeals is set forth in Appendix B, and relevant opinions are set forth in Appendix C.

JURISDICTION

The order of the Supreme Court of Tennessee denying petition for rehearing was issued on April 12, 1990, and this petition for writ of certiorari pursuant to 28 U.S.C. 1257(3), as amended 28 U.S.C. 1257(a) is submitted within ninety(90) days thereof.

The jurisdiction of this Court is invoked pursuant to Article III, Sec., 2, which states that the judicial powers shall extend to all cases in law and equity; between state and citizens of another state; and between citizens of different states.

The jurisdiction is invoked in 42 U.S.C. Secs. 1981, 1982, and 1983, 28 U.S.C. 1443

5 U.S.C. 504 Equal Access to Justice, 28 U.S.C. 2403, and the Fifth, Seventh, and Fourteenth Amendments.

CONSTITUTIONAL PROVISIONS

The pertinent portion of the Fifth Amendment provides:

No..person shall be deprived of life; liberty; or property without due process of law; nor shall private property be taken for public use without just compensation.

U.S. Const. Amend V.

The pertinent portion of the Seventh Amendment provides,

...where the value in controversey shall exceed twenty dollars, the right of a jury trial shall be preserved.

U.S. Const. Amend VII.

The pertinent portion of the eight amendment provides,

...nor cruel and excessive fines imposed nor curel and unusual punishment inflicted

U.S. Const. Amend. VIII.

The pertinent portion of the Fourteenth Amendment provides,

No State shall make of enforce any law which shall abridge the priveleges or immunities of citizens of the United

States; nor shall any state deprive any person of life; liberty; or property without due process of law, nor deny any person equal protection of the laws.

U.S. Const. XIV

28 U.S.C:

(1) Against any person who is denied or cannot enforce in the courts of such state a law providing equal civil rights of citizens of the United States or of person within its jurisdiction.

(2) For any act under the color of authority deprived from a law providing for equal rights.

42 U.S.C.

Sec. 1981 All persons within the jurisdiction of the United States shall have the same right in every state to sue... to the full and equal benefit of the laws.

Sec. 1982: ...to inherit, hold purchase lease and convey real and personal property.

Sec. 1983: EVERY PERSON ...who under the color of any , , , custom or usage of any state...subject or caused to be subjected any citizen of the United States or other person within its jurisdiction ...derivation of rights and priveleges secured by the constitution and its laws, shall be liable to the party injured in action at law or equity.

28 U.S.C. 1257(3) anended 1257(a)

...where the validity of a state statute is drawn into question on grounds it is

repugnant to the constitution ...or where title, right, privelege, or immunity is specially set up or claimed under the constitution...

Tennessee Statute Partition in Kind 29-27-

117.

If exact partition of property cannot be made without material injury to the parties or SOME ONE OF THEM, the commissioner may make the partitions as nearly equal as they can and charge the larger shares with the sums necessary to equalize all shares: Tennessee Code Annotated 1932.

STATEMENT OF THE CASE

Petitioner seeks review of the denial of the Supreme Court of Tennessee to appeal to denial to set aside "unconstitutional seizure" sale and transfer of properties denied hearing in right of jury trial, compensation for right of possession use and dispose in the Court of Appeals specially set up in the Fifth, Seventh, and Fourteenth Amendments to the constitution.

And Petitioner seeks review of the validity of Tennessee Statute Chancery 21-1-203, and 21-1-204(a)(e) in which property was seized without notification of date of sale, place of sale,

time of sale, without out any compensation, and without entering order for right of appeal, and right of redemption on the grounds of these state statutes, and the seizure of federally funded burley tobacco allotment without her share of rent in violation of Tennessee Statute 29-27-117, being repugnant to the Consitution and laws of the United States pursuant to 28 U.S.C. 1257(a) as amended June 27, 1988.

Robert Boston, son of William Boston, Boston Bates & Holt, submitted motion on order to sell Petitioner's property on her "interest therein" in Chancery 1974 Frank Hulen and Wilma Lesnansky v Earlene Polyak to be signed by the Honorable Jim Hamilton, Circuit Judge, August 21, 1987 (App. C. p. 25).

Petitioner's bonded for appeal in Chancery 1974 with two five hundred dollar total of (\$1000.00), and in Circuit No. 10647 Buford Evans & sons v Earlene Polyak by Alex and Earlene Polyak for two times alleged amount owed for inavlid survey in which Mr. Evans

& Sons entered upon her property without her knowledge or permission and conducted invalid in valid survey.

Mr. Evans hand-drawn map alleged to show property could be divided equally for Defense Thomas Stack Henry Henry & Stack, correlated in Tract #3 with Item #2 in initial order for sale stating property could not be divided equally prepared by Boston Bates & Holt and signed by Robert boston's father William Boston and over Petitioner's objections without any compensation to Judge Hamilton, and Thomas Stack (App. C. p. 30).

William Boston, Boston Bates & Holt represented the family in settlement by agreement to divide property initiated by coetenants in 1976, but divided loyalties and sued for sale against Client on July 29, 1983.

This hearing was conducted in a Maury County other than where complaint filed in Lawrence County; (2) property was oredred sold by Judge Hamilton within two (2) hours, while

jury out on another case;(3) Wilma Lesnansky signed complaint, and Restraining order against Petitioner from property, but did not testify about settlement by agreement;(4) Roger Lesnansky plowed dividion lines, but in Florida; Alex Polyak present during settlement by agreement, but sent from the Courtroom, and (5) Earlene Polyak who suffers from heart-faillure with complications against heat and cold and nemerous hospitalizations to this date, was obligated to testify after asking Thomas Stack two times to reschedule, in one hundred two (102) degree temperature against nationwide warning to heart patients on July 29, 1983.

After Thomas Stack promised, and she paid fifteen hundred (\$1500.00) dollars for jury trial, Petitioner subjected to hearing. Mr. Stack did not enter bills for seven (7) years restoration of house on Petitioner's agreed partition for retirement home, removal and replacement of roof, which saved the structure in its entirety, electrical wiring, telephone

installation, insurance, termite control, seven (7) years travel to labor and numerous repairs: memorandum brief, evaluation of property by Mr. Evans, and arrange for a transcript of the proceedings.

On December 19, 1983, Petitioner's Notice of Appeal on November 14, 1983 to the Court of Appeals No. 83-405-II was negated, and Motion for a New Trial(to hearing) and motion to alter and amend order for Compensation for repairs denied in UNAPPEALABLE JUDGMENT prepared to this hearing prepared by Boston Bates & Holt, signed by Charles Holt and Judge Hamilton (App. C. p.29).

On April 26, 1984, the Court of Appeals dismissed pro se appeal to UNAPPEALABLE JUDGMENT(hearing), and properties have been seized sold anf transferred without jury trial and without appeal ever being heard in any Court, and THERE IS NO FINAL ORDER

All appeals to the federal courts have been denied on Robert Boston's submission of

materials from state case 1974 as a completed case. Properties were sold while appeals bonded.

In addition to seizure of properties in 1974, Petitioner was again subjected while acutely ill and suffering with acute bronchitis to unexpected, while unprepared to unfair and unjust trial for Buford Evans & sons invalid survey conducted without Tennessee Surveyor's license in which Thomas Stack testified against her, before Judge Hamilton on December 26, 1984.

On December 26, 1984, Petitioner's husband brought her in back seat of car on pillows to try to defend right and interest in her Tennessee properties.

On April 1, 1988, Petitioner learned that her properties including travel trailer from her yard had been advertised for sale on her "interest therein" in the local Advocate. This Party places advertisement for sale of property in November 1987 (App. C. p. 23).

The Court of Appeals and Supreme Court of Tennessee have denied hearing all appeals

for relief in jury trials for damages in the unconstitutional seizure sale and transfer of Petitioner's properties without jury trial, without compensation and without appeal ever being heard in any Court.

In September 1979, Petitioner submitted application for permission to appeal the unconstitutional seizure sale and transfer of her property in set aside of orders of sale without compensation and for redemption of right and interest in properties within two (2) years required in Tennessee Statute with \$500.00 bond

On October 27, 1989, Petitioner observed that all records regarding this sale secreted from Chancery and Circuit Court, Lawrenceburg.

On November 17, 1989, appeal denied Court of Appeals and on December 6, 1989 petition for Rehearing denied in the Court of Appeals.

On March 5, 1990, appeal to the Supreme Court denied, and Petition for Rehearing April 12, 1990. NO FORUM FOR RELIEF IN TENNESSEE.

REASONS WHY WRIT SHOULD ISSUE

Petitioner contends that a writ of certiorari should issue from this Supreme Court to review the final denial of the Supreme Court of Tennessee, to hear right of redemption and set aside sale, in the question of the validity of Tennessee laws (21-1-203) and 21-1-104(a)(e), in the seizure sale and transfer of possessed right and interest, use, and dispose of the property, and burley tobacco profit, on the grounds of its being repugnant to the Constitution and laws of the United States pursuant to 28 U.S.C. 1257(a).

1. TENNESSEE LAWS DENIES DUE PROCESS AND DEPRIVATION OF PROPERTY PROVIDED IN THE FIFTH AND FOURTEENTH AMENDMENTS AND UNCONSTITUTIONAL.

Tennessee laws (21-1-103 and (21-1-104) deny due process provided in the Fifth and Fourteenth Amendments is seizure sale of constitutional right without any Compensation, and without equal protection of due process in the Fifth and Fourteenth Amendments

In Tennessee law, in the Chancery Court, personal service on defendant may be dispensed with and service made by publication in the following cases: (6) when attachment will lie against defendant's property (21-1-103). Publication must be in newspaper designated by Court for four consecutive weeks (21-1-104(a)(e)).

Petitioner's property was advertised in newspaper, including travel trailer while and during her hospitalization for second by-pass surgery in Cardiac Unit of University of Alabama Hospital and continued recovery in Florida in November, 1987.

Petitioner only learned of this seizure of her property on her return from Florida in casual conversation the following April 1, 1988. And add run only once (See Affidavit).

The Court held that notice of condemnation proceedings published in local newspaper was inadequate means of informing a land owner whose name was known to the city. Walker v Hutchinson, 352 US 112 77 Sct 200 L Ed 2d 178 (1956).

The Petitioner has maintained this property at her own expense since 1976 to this date.

...this Court recognized that prior to an action which will affect an interest in life, liberty, or property protected by the Due Process Clause of the Fourteenth Amendment, a State must provide Notice reasonably calculated, under all circumstances, to appraise interested parties of the pendency of the action and afford them an opportunity to present their objections. Invoking this elementary and fundamental requirement of due process. Mulane v Central Hanover Bank & Trust C. 339 US 306 314 70 Sct 652 657 94 L Ed 865(1950).

2. THE PRIVATE SALE OF PROPERTY WITHOUT ANY COMPENSATION AND SALE OF BURLEY TOBACCO ALLOTMENT WITHOUT SIGNATURE IS UNCONSTITUTIONAL.

Petitioner's right and interest, use and to dispose in properties, including federal burley tobacco allotment were seized sold and transfer without notification of place of sale without notification of time of sale and without entering order of sale of peroperty for right of appeal Rule 3 Tennessee Code Annotated, and right of redemption.

Petitioner learned of sale in advertised only one time in November, 1987, on after five months on April 1, 1988. She has been appealing this "unconstitutional seizure and sale" of

of her properties in Lawrence County and federal courts since December 19, 1983. And same Florida and Michigan addresses known to all parties and all courts. This is a secret sale of property without due process provided in the Fifth and Fourteenth Amendments.

This property has been sold without jury trial as provided in the Seventh Amendment and appeal to this "unConstitutiona seizure has never been heard in any Court.

In addition to seizure of right and interest in real property, Petitioner learned that federal allotted tobacco poundage sold in 1983, five hundred (500) pounds transferred to Frank Hulen without her signature in 1987, and total pounds signed for sale without her signature in 1988.

On November 1, 1984, the United States Department of Agriculture, Agriculture Stabilization Service, Lawrenceburg, Tennessee issued:

No. 7. If marketing card is used to market tobacco on another farm, or if tobacco is produced on farm is identified on market

card for another farm, the person enrolled may be subjected under Title 18 SEC. 1001 U.S. Criminal Code, which provides for fine, and not more than five years, or both, and the quotas of both farms may be reduced.

3. THE SUPREME COURT OF TENNESSEE DENIES DUE PROCESS TO CONSTITUTIONALLY POSSESSED RIGHT AND INTEREST, USE, AND DISPOSE IN DEPRIVATION OF PROPERTIES.

The Supreme Court of Tennessee denies due process of constitutionally possessed right and interest , use and dispose in deprivation of properties without any compensation in deprivation of properties provided in the Fifth and Fourteenth Amendments in the constitution and laws of the United States.

Petitioner has been appealing the unfair and unjust hearings in Chancery and Circuit Courts of Lawrence County since November 14, 1983 No. 83-405-II to the Court of Appeals and Supreme Court of Tennessee, against the bias for local residents and prejudice against the non-resident property owner.

The Court of Appeals denied Petitioner's motion to call Records in 10647, after Judge

denied Motion to Forward Records for Rule 3 TRAP in 10647, Judge Hamilton did not enter judgment for appeal from December 26, 1984, held more than eight month before entering on August 7, 1985. Judge denied motion ot Forward Records on November 7, 1985.

Again the order in 1974 was held from July 29, for over three month before entering on October 19, 1983.

The order in the sale of Petitioner's property ha not been entered on November 27, 1989, when Petitioner reviewed the records in Circuit and Chancery Court, Lawrence County.

But Petitioner found notation to the effect that property had been divided in two tracts, and two five hundred (\$500.00) bonds. It appears that both Robert Boston's order to sell on August 21, 1987, and all records of sale secreted as second copy would be in file.

On February 15, 1989, the Supreme Court denied application for permission to appeal and states matter long concluded(App. C.p.6).

Appellant's do not contend that state officials are immune to restrain unconstitutional rights. The law clearly recognizes the right of an interested party to force state officials to act in accordance with the constitution. Jordon v Gilligan, 500 F. 2d 701 (6th Cir 1974).

In Order July 1, 1988, the Supreme Court of Tennessee denies Rule 10 TRAP on grounds final orders entered in Chancery and Circuit Courts of Lawrence County, and Court of Appeals but Petitioner finds no final order on November sale 1974 in November 1987. In fact the entire record including order and copy are excluded from files and Clerk & Master denies second file.

A state Court may not avoid deciding federal questions and thus defeat jurisdiction of the United States Supreme Court by putting forth non-federal grounds which are without any fair and substantial support. Wolfe v State of N.C. 80 SCT 1482 5 L Ed 80(1960).

The Supreme Court of Tennessee avoids the many appeals to this "unconstitutional seizure"

of right and interest, use and dispose of this Petitioner's properties. The first attempt by these parties to "take " prōperty was invalid hand-drawn map by Buford Evans supporting order prepared by Boston bates & Holt that property could not be divided equally in violation of Tennessee Statute Partition in Kind 29-27-117, which does not call for any division(See Br.5).

This unconstitutional seizure sale and transfer took place while cases on appeal, and in violation of Tennessee law 29-6-104) No property levied upon, except perishable, will be sold before final judgment." Petitioner has never been served with final order from the dismissal of 83-405-II(1974) on April 26, 1984, by the Court of appeals of Tennessee.

CONCLUSION

Petitioner prays that a writ of certiorari issue from this Supreme Court to review this "unconstitutional seizure of "right and interest, use and disopse of properties, with oth notification of time place and date of sale

without any compensation, and without entering order for appeal and right of redemption. She prays that this Supreme Court sets aside order for right of redemption and relief in jury trial for irreparable damages in loss of properties and loss of right and interest to never be regained in her retirement home..

On the 9th day of July, 1990.

Respectfully submitted,

Earlene Polyak (407) 627-3564
4063 Hood road
Palm Beach Gardens,
Florida 33410

Certificate of Service

I certify that a true copy of this pleading has been mailed to the Honorable Charles Brunson, 450 James Robertson Parkway, Nashville Tennessee 37219.

Earlene Polyak

APPENDIX A

In the Supreme court of Tennessee at
Nashville, Tennessee.

RE:Earlene Polyak v Jim Hamilton, Judge
Chancery and Circuit Court of Lawrence County.

Chancery No. 1974 Frank Hulen and Wilma
Lesnansky v Earlene Polyak.

Circuit No. 10647 Buford Evans & sons v
Earlene Polyak.

Application for appeal the denial of
Petition for Rehearing seizure and sale and
transfer of property without jury trial and
without any compensation and set aside order
in right of redemption, and injunction against
confirmation of sale denied on March 5, 1990.

Petition for rehearing denied on April 12,
1990.

PER CURIAM

- 2 -

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

RE: EARLENE POLYAK

FILED APRIL 12 1990

V

THE HONORABLE JIM HAMILTON

CASES:

1974 FRANK HULEN AND
WILMA LESNANSKY V EARLENE
POLYAK

AND

10747 BUFORD EVANS & SONS
V EARLENE POLYAK

ORDER

On April 9, 1990, the Clerk of this Court received an instrument entitled Petition for Rehearing Application For Extraordinary Appeal on Post Judgment Facts. Upon consideration of this petition by the Court, it is the opinion that the petition is without merit and is accordingly denied. This 12th day of April, 1990.

PER CURIAM

- 3 -

State of Tennessee
NASHVILLE 37219

A.B. NEIL, JR.
CLERK

March 8, 1989

Mrs. Earlene Polyak
4063 Hood Road
Palm Beach Gardens, Fl 33410

Re: Earlene Polyak
vs.
The Honorable Jim
Hamilton

Dear Mrs. Polyak:

This will acknowledge receipt of your
Notice of Appeal in the above case.

Since there is nothing further to appeal
in this case in any of the appellate courts of
Tennessee, I must assume that your Notice of
Appeal must be directed to the Supreme Court
of the United States.

Very truly yours,
Signed by A.B. Neil Jr.

- 4 -
SUPREME COURT OF TENNESSEE

RE:
EARLENE POLYAK

FILED
Feb. 28 1989
A.B.Neil, Clerk

V
THE HONORABLE JIM HAMILTON
CASES: No 1974, FRANK HULEN AND
WILMA LESNANSKY V EARLENE POLYAK
IN CHANCERY.
Circuit No.10647 BUFORD EVANS &
SONS V EARLENE POLYAK

NOTICE OF APPEAL

Earlene Polyak gives notice of appeal to denial of injunction against the sale of her properties on September 6, 1987, by Honorable Jim Hamilton, Chancery and Circuit Courts of Lawrence County, by the Court of Appeals and Supreme Court of Tennessee on February 15, 1989 to the Supreme Court of the United States.

The Supreme Court of Tennessee denies equal protection to pro se non-resident to Tennessee Statute, Partition in Kind 29-27-117.

She is denied equal protection in the denial of due process civil and constitutional laws and property rights in the sale of her properties without jury trial and holding order

of sale for appeal and right of redemption
against Tennessee Laws. And 28 U.S.C. 1443:
42 U.S.C. 1627; 42 U.S.C. 1981, 1982 & 1983;
Fifth, Seventh, and Fourteenth Amendments.

On the 23rd day of February, 1989.

Signed Earlene Polyak
4063 Hood road
Palm Beach Gardens,
Florida 33410

Certificate of Service

I certify that a true copy of this pleading has been mailed to the Honorable Jim Hamilton, Lawrence County Chancery and Circuit Courts, Lawrenceburg, Tennessee 38464.

Signed Earlene Polyak

- 6 -
SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
FEB 15 1989
A.B. Neil Clerk

EARLENE POLYAK

Appellee,

v

Lawrence Chancery 1974

THE HONORABLE JIM HAMILTON

Lawrence Circuit 10647

ORDER DENYING PETITION TO REHEAR

Petitioner has filed a petition to rehear and application for permission to appeal which was denied on 23 January 1989.

This matter has long since been concluded (See order dated July, 1988). The application to appeal is not well taken and the petition rehear is denied.

-
Enter this 15th day of February, 1989

PER CURIUM

- 7 -
SUPREME COURT OF TENNESSEE
AT NASHVILLE

EARLENE POLYAK
Appellees

FILED JAN 23 1988

v

Lawrence County

THE HONORABLE JIM HAMILTON

ORDER

Upon consideration of the application for permission to appeal and the entire record in this cause, the Court is of the opinion that the application should be denied

PER CURIUM

SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED JUL 1 1988

Re:

A.B. Neil Clerk

EARLENE POLYAK

v

THE HONORABLE JIM HAMILTON

CASES:

CHANCERY NO: 1974, FRANK HULEN
AND WILMA LESNANSKY

v

CIRCUIT NO. 10647, BUFORD
EVANS & SOMS V EARLENE POLYAK

ORDER

Earlene Polyak has filed a pleading in this case styled "APPLICATION FOR EXTRAORDINARY APPEAL, CONFLICT OF INTEREST AND FAILURE TO RESCUE AND STAY SALE AT PUBLIC AUCTION FROM COURT OF APPEALS AND ORAL ARGUMENT."

The petition appears to be a T.R.A.P. 10 application for extraordinary appeal from order from the Court of appeals denying a similar application in that court from an order of the Chancery court of Lawrence County. The application makes reference to an order of the Court of Appeals dated May 4, 1988 and a petition

to rehear dated 24 May 1988. Only the order of May 4 1988 is included in the record before us.

That order refers inturn to a prior order of that court dated 2 Octobrer 1987 denying an "Application for Extraordinary appeals and Stay at Public Auction."

The petition filed indicates this litigation in progress since at least 1983 or 1984 There have been final orders entered in the Chancery Court of Lawrence County as well as the Circuit court of Lawrence County as well as in the Court of appeals. T.R.A.P. 10 specifically provides for extraordinary appeals... of interloctuory orders of a lower court."

the application for appeal in this case is not well taken and accordingly denied.

Enter this 1st day of July, 1988.

PER CURIAM

- 10 -
SUPREME COURT OF TENNESSEE

EARLENE POLYAK
Appellant

FILED SEPT 14 1988

v

Lawrence County No.
1974

THE HONORABLE JIM
HAMILTON

Lawrence circuit
No. 10647

ORDER

Under date of September 7 and September 9, 1988, there were filed in this Court motions on behalf of Appellant, Earlene Polyak.

Mrs. Polyak was advised by letter from Clerk of this Court on August 25, 1988, that there is nothing now pending in this Court concerning her case. Accordingly, the motions filed on September 7 and September 9 are dismissed at her cost.

Enter this 14 day of September 1988.

For the Court

Signed Willian J. Harbison C.J.

- 11 -
THE TENNESSEE
COURT OF THE JUDICIARY

Ms. Earlene Polyal January 3, 1985
3179 Middlefield Drive
Trenton, Michigan 48183

Dear Ms. Polyak:

I have received your letter of December 7, and December 24, 1984 and the enclosures concernig your complaints against Judge Hamilton. After careful review of the material I have concluded that the Court of the Judiciary should not be involved in this case. We do not have any power to alter change or reverse Judge Hamilton's orders.

If you insist Judge Hamilton should rescue himself in any further proceedings in which you are involved, you should make a record in the Trial Court to form the basis of appeal if her refuses to do so.

Very Trule Yours,
Signed Ben Cantrell
Presiding Judge

- 12 -
APPENDIX B

In the Court of Appeals of Tennessee,
Nashville, Tennessee.

RE: Earlene Polyak v Jim Hamilton, Judge
Chancery and Circuit Court of Lawrence County.

Case No. 1974 Frank Hulen and Wilma
Lesnansky v Earlene Polyak.

Case No. 10647 Buford Evans & Sons v
Earlene Polyak.

Application for permission to appeal the
seizure sale and transfer of property without
jury trial, any compensation, and set aside
order in right of redemption denied on
November 17, 1989.

Petition for Rehearing denied on
December 6, 1989.

Presiding:

Signed: Henry F. Todd
Smuel L. Lewis
William C. Kotch

COURT OF APPEALS OF TENNESSEE
MIDDLE SECTION AT NASHVILLE

EARLENE POLYAK

FILED NOV 17 1989

V

THE HONORABLE JIM HAMILTON

ORDER

On November 9, 1989, the captioned plaintiff, Earlene Polyak, filed with the Clerk of this Court a document entitled:

Application for Extraordinary Appeal
to Sale and Transfer and Injunction
Pending Right of Redemption of Property

Upon examination and consideration of said application no merit is found therein.

It is ordered that said application be denied at the cost of applicant.

ENTER: NOV 17, 1989.

Signed: Henry F. Todd
Samuel L. Lewis
William C Kotch Jr.

COURT OF APPEALS OF TENNESSEE

Re:

EARLENE POLYAK

FILED CT 17 1988

VS

THE HONORABLE JIM HAMILTON

CHANCERY NO. 1974, FRANK HULEN AND

WILMA LESNANSKY V EARLENE POLYAK

CIRCUIT NO. 10647 BUFORD EVANS & SONS

V EARLENE POLYAK

MOTION TO FILE APPLICATION

Applicant moves that this Court of appeals file Application for Permission to appeal the conflict of interest and failure to rescue from all of cases regarding real and personal properties by the Honorable Jim Hamilton. She contends that all orders and motions regarding her properties by Judge Hamilton be declared NULL AND VOID.

Applicant moves her personal check for five hundred (\$500.00) be held for bond required in Rule No. 7 Court of appeals.

On the 3rd day of October 1988.

Signed Earlene Polyak(313) 676-3364
Trenton, Michigan 48183

- 15 -
COURT OF APPEALS, TENNESSEE

EARLENE POLYAK

FILED NOV 4 1988

V

THE HONORABLE JIM HAMILTON

ORDER

Earlene Polyak has filed a "Petition for Rehear Application for Extraordinary Appeal Conflict of Interest and Failure to Rescue and Stay Sale of Properties" which document has been considered, found to be without merit and denied at the cost of said petitioner which execution may issue.

Enter Nov 4 1988

Signed Judges.

Henry F. Todd

Samuel L. Lewis

Ben Cantrell

MIDDLE SECTION AT NASHVILLE

FILED
MAY 4 1988

Re:
EARLENE POLYAK
VS.

THE HONORABLE JIM HAMILTON
CASES:
CHANCERY NO. 1974, FRANK HULEN
AND WILMA LESNANSKY V EARLENE
POLYAK

CIRCUIT NO. 10647, BUFORD EVANS
V EARLENE POLYAK

ORDER

On May 2, 1988, an Application for Stay at "Public Auction" was filed under the above caption. Said application does not specify the order of judgment as to which stay is desired, but it stated that:

Application for stay of sale of appellant properties was denied on October 2, 1987, in this Court.

It appears that, on October 2, 1987, this Court entered an order denying "Application for extraordinary appeal and stay sale at public auction."

Upon due consideration of the application filed on May 2, 1988, same is denied.

ENTER MAY 4 1988, Signed by three Judges.

- 17 -
COURT OF APPEALS, TENNESSEE
MIDDLE SECTION AT NASHVILLE

RE:

FILED 5 24 88

EARLENE POLYAK

VS

THE HONORABLE JIM HAMILTON

CASES:

CHANCERY NO. 1974, FRANK HULEN
AND WILMA LESNANSKY V EARLENE
POLYAK

CIRCUIT NO. 10647, BUFORD EVANS &
sons v EARLENE POLYAK

ORDER

A petition for Rehear Application for
Extraordinary Appeal Conflict of Interest and
Failure to Rescue filed under the above cap-
tion has been examined, found to be without
merit and is denied at the cost of Earlene
Polyak for which execution will issue.

Enter 5-24-88

Signed Henry Todd
Samuel L. Lewis
William C. Kotch

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COURT OF APPEALS OF TENNESSEE
MIDDLE SECTION AT NASHVILLE

BUFORD EVANS

FILED MAY 3 1985

V

EARLENE POLYAK

ORDER

The defendant has filed with this Court an application for extraordinary appeal. Said application complains of various actions of the Trial Judge during trial, but does not designate describe or exhibit a copy of any order of judgment of Trial Judge.

There is no showing of why an appeal as of right or permission is not available to applicant.

It is therefore ordered that said application for appeal be denied.

ENTER May 3 1985

Signed Judges Henry F. Todd
Samuel Lewis
Ben Cantrell
William C Koch

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COURT OF APPEALS OF TENNESSEE
MIDDLE SECTION AT NASHVILLE

FILED

OCT 2 1987

A.B. Neil Clerk

FRANK HULEN AND
WILMA LESNANSKY

Plsintiffs

VS

EARLENE POLYAK

ORDER

The application of Earlene Polyak in this Court under the above caption on September 22, 1987, has been considered and is hereby denied at cost of said applicant.

Enter OCT 2 1987

Signed Henry Todd

Ben Cantrell

William C Koch Jr.

COURT OF APPEALS OF TENNESSEE
MIDDLE SECTION AT NASHVILLE

BUFORD EVANS & SONS FILED 10-28-85

10647

V

Lawrence Law

EARLENE POLYAK

ORDER

A petition has been received from the captioned defendant praying that this Court demand a record from the Trial Court

Such petition being unknown to the practice of this Court, it is ordered that it be denied without prejudice to any application for the Trial Court for the same relief.

Costs of this proceeding taxed against
Petitioner

ENTER 10-28-85

Signed Judges Henry Todd
 Samuel Lewis
 William C. Koch

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APPENDIX C

In the Chancery and Circuit Courts of
Lawrence County, Tennessee.

Chancery No. 1974 Frank Hulen and Wilma
Lesnansky v Earlene Polyak.

Orders. July 29, 1983, and October 19,
1983.

Notice of Appeal entered on November 14,
1983 No. 83-405-II.

Motion To Amend or Alter Order for
compensation denied on December 19, 1983.

Notice of Appeal submitted January 3,
1984.

Case Dismissed on UNAPPEALABLE JUDGMENT
on April 26, 1984. NO FINAL ORDER.

Circuit No. 10647 Buford Evans & Sons v
Earlene Polyak December 26, 1984.

Notice of Appeal negated with denial of
Motion to forward Records for Appeal to the
Court of Appeals on November 7, 1984.

Presiding: the Honorable Jim Hamilton.

CHANCERY COURT OF LAWRENCE COUNTY, TENNESSEE

FRANK HULEN AND
WILMA LESNANSKY

DENIED SEPT 6 1988
signed Jim Hamilton

V

No.1974

JUDGE WEATHERS

EARLENE POLYAK

MOTION FOR INJUNCTION

Defendant moves for injunction against the sale of her property including "interest therein" travel trailer and Automobile in Lawrence county. She made bond for appeal of this case with two five hundred(\$500.00) total (\$1000.00) in November 1983, and January 1984, in the Chancery Court. The clerk alleges these are not on file, but there is a zerox copy in the Technical Transcript submitted to the Court of Appeals in Nashville(viewed May 31, 1988)

On the 2nd day of September 1988.

Signed Earlene Polyak (313) 676-3364
3179 Middlefield Dr. Trenton, Mi.

I certify that a true copy of this pleading has been mailed to Robert Boston, Nashville Tennessee 3729. Signed Earlene Polyak

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AFFIDAVIT

To whom it may concern:

My name is Mary Mitchell. I live at R#3,
Box 63B, Lawrenceburg, Tennessee 38464.

On or about September thru Nov. 1987, I was reading my newspaper, the Lawrence County Advocate, when a familiar name caught my eye. The name of the person was Earlene Polyak. Realizing I had met her on three occasions in the past, I read more, out of curiosity. The contents of the article revealed the intent to sale of some property that sounded familiar to me. In some correspondence in which I last received from Earlene Polyak some years ago. She had revealed to me that she owned a mobile home situated on some property herein Lawrence County, Tennessee. Upon meeting her again some six months after I read the article, I casually mentioned it to her, at this time she informed that she knew nothing of this. This is all the knowledge I have of this situation.

Signed Mary Mitchell

COUNTY OF LAWRENCE
STATE OF TENNESSEE

Sworn and subscribed before me this
18th day of June, 1988.

My commission expires: 8/18/88

Signed Mabel Evelyn Hedgepath

Notary Public.

Entered U.S. Dist Court 6/22/88

CHANCERY COURT OF LAWRENCE COUNTY, TENNESSEE

FRANK HULEN AND
WILMA LESNANSKY
Plaintiffs

NO ENTRY DATE
Civil Action No. 1974

v

EARLENE POLYAK
Defendant

ORDER

Upon motion of Plaintiffs to sell that certain parcel of land formerly at issue in this lawsuit, said sale having previously been ordered by this Court and said Court having been affirmed through all stages of the Appellate process, it is hereby ordered as follows:

1. Col. Eulan Hooper is hereby authorized and directed to advertise, on behalf of the parties herein, the sale of land in Exhibit 1 hereto under the following terms and conditions of this order:

Mr. Hooper will advertise said sale in a newspaper of general circulation in Lawrence County Advocate said sale to be conducted at

public auction pursuant to this order on a Saturday at 10:00 a.m., said date to be determined by Mr. Hooper and set out in the advertisements, and not to be less than 21 days following the entry of this order. Said advertisement shall be run in no less than three separate issues of said newspaper prior to the date of such sale. Said sale shall be conducted in a manner consistent with normal and usual practice for auction sales held in Lawrence County, Tennessee and the land shall be sold to the highest best bidder for cash, 10% of payment to be delivered on the date of sale and held by Mr. Hooper in trust for deposit into the registry of the Court on the following Monday. The remainder shall be due by 12:00 noon on aforesaid "following Monday" payable to the Lawrence County Clerk and Master's office, who shall in turn deposit into the Court's registry.

2. Upon deposit of said funds into registry of this Court, the Clerk and Master is directed and authorized to prepare an

appropriate deed conveying title to the property as ordered herein to the purchaser of said land at auction, or his or her designee or assign. Said deed shall divest all parties hereto of all right, title and interest in and to said land pursuant to this and previous orders of this Court.

3. Upon delivery of the above-referenced deed, and payment of the purchase price for the land into the registry of this Court, the Clerk and Master shall divide the net proceeds equally among the parties hereto, after having paid Eulan Hooper a fee for his services in connection with said auction as ordered herein in the amount of 6% of the gross amount received at said auction, plus reimbursements for any reasonable costs incurred in conducting said auction sale. In addition, the Clerk and Master shall be paid a fee for her services as set out herein in the amount of \$250.00, and shall pay from defendant's portion of the proceeds, all Court

costs incurred since this case initially
filed. Thereafter, the Clerk and Master shall
pay to parties hereto the net amount due each
party pursuant to the Court's partition,
subject, however, to payment by the Clerk and
Master all debts of all creditors of record of
any party who have a lein against any interest
in said land as a result of leins against
party's interest therein. Such leins of record
shall attach to the proceeds of the land the
same as same attached to the actual land.

4. All other matters are reserved
pending further of the Court.

So ordered this ____ day of September,
1987.

Hon. Jim T. Hamilton, Circuit

APPROVED FOR ENTRY:

Signed Robert Boston
Attorney for Plaintiffs

Lein placed by Robert Boston on December 12,
1984 NOTE BOOK 19, p. 270, Lein Book 7, pp.
497-499 by Geneva Frisbee. This lein for

CHANCERY COURT OF LAWRENCE COUNTY, TENNESSEE

FRANK HULEN ET AL
Plaintiff

FILED DEC 19 1983

v

No. 1974

EARLENE POLYAK
Defendant

JUDGMENT

This cause came on to be heard on this the 19 day of December 19, 1983, before the Honorable Jim T. Hamilton, Judge upon the motion this day filed by Defendant, personally on her own behalf, state and argument of the Defendant personally from all which the Court finds there to be no merit, and said motion is here and now overruled.

This 19th day of December, 1983.

Signed Jim T. Hamilton

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of this pleading addressed to said counsel at his office .

Signed Charles Holt
Boston Bates & Holt

PUBLISHER'S NOTE

THE FOLLOWING PAGE IS UNAVAILABLE
FOR FILMING

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2. That the property cannot be partitioned in kind as there are three distinctly different types of property within the 40 acres. One portion of the property includes the home place, well and barn, another portion contains woods and is a low lying wet area, and the remaining portion consists of level flat land which is suitable for raising crops.

3. The Court finds there is no way to divide this land equally between these heirs, without selling said property and dividing the proceeds.

4. The proceeds of this sale after payment of all expenses incident to sale, including attorney fees will be divided equally between the heirs, except that the cost of this case shall be deducted from the defendant's share of said proceeds.

5. This sale shall be conducted by Eulan Hooper unless the parties agree on another real estate company.

All of which is therefore, ORDERED AND
DECREED by the Court.

This the 19th day of October, 1983.

Signed Jim T. Hamilton
Jim T. Hamilton, Circuit

APPROVED FOR ENTRY:
BOSTSON BATES & HOLT

Signed William Boston
Attorney for PLAINTIFF
Signed Thomas Stack